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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDGAR OMAR HERRERA FARIAS,

Defendant.

No. 4:15-cr-6049-EFS-16

DEFENDANT EDGAR OMAR
HERRERA FARIAS' REPLY TO
RESPONSE TO DEFENDANT'S
MOTION TO SUPPRESS AND
MOTION IN LIMINE TO
EXCLUDE EVIDENCE

The Defendant, Edgar Omar Herrera Farias, replies to the Government's Consolidated Response, ECF No. 962.

The concedes that the evidence of Mr. Herrera Farias' seizure and arrest will not be presented. The officers called by the Government "will end their testimony as to this portion of the events with the red Cadillac driving away from the parking lot." *Id.*, at 6.

Mr. Herrera Farias continues his objection to the presentation of two photographs that depict a plastic bag containing a white powdery substance and a

1 pistol. The Government maintains they portray “methamphetamine and firearm in a
2 secret compartment in the vehicle.” *Id.*, at 5. There are no pictures of the alleged
3 secret compartment. There is no proper foundation to describe the substance as
4 methamphetamine. The substance has not been tested and no expert has been
5 identified to state what the substance is. FRE 702 and 703.
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8 As to Mr. Herrera Farias, the photographs are irrelevant and prejudicial. FRE
9 401 and 403.

10 RESPECTFULLY submitted this 5th day of October 2018.
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12 WALDO, SCHWEDA
13 & MONTGOMERY, P.S.
14 By: /s/ Peter S. Schweda
15 PETER S. SCHWEDA
16 Attorney for Defendant Herrera Farias
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Joseph H. Harrington
Acting United States Attorney
Eastern District of Washington
Stephanie Van Marter
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By: /s/ KATHLEEN SCHROEDER
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